IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 12679 of 2007(H)

PETITIONER:

VINODKUMAR P., S/O.P.PRABHAKARAN,
AGED 36 YEARS, RESIDING AT PLATHOTTATHIL HOUSE,
KUZHIMATTOM P.O., KOTTAYAM.

BY ADV. SMT.REKHA VASUDEVAN

RESPONDENTS:
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1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, KOTTAYAM.

BY ADV. SHRI P.C. SASIDHARAN, SC, KPSC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 12679 OF 2007 H

Dated this the 27th July, 2007

JUDGMENT

Petitioner is aggrieved by the rejection of his request to grant exemption for a period of six months from appearing for the practical test, due to an accident met by him while working as empaneled Driver in the KSRTC. Case of the petitioner, in brief, is as follows:

Petitioner was included in the panel of provisional Drivers as is evident from Ext.P1 Certificate. He met with an accident and it was reported in Ext.P2 Newspaper. He sustained severe injuries. He was admitted in the hospital. He relies on Ext.P3 Medical Certificate. While undergoing treatment, he was issued with Admission Ticket dated 22.2.2007 for the practical test vide Ext.P4. He requested orally to grant exemption for the time being, by Ext.P5 representation. He approached this Court by filing W.P.(C) No.7534/07. But, this Court dismissed that Writ Petition by Ext.P6, finding that the Public Service Commission

cannot be faulted for insisting that the petitioner has to present himself for practical test for inclusion in the rank list. But, the learned Single Judge directed the Public Service Commission to consider the representation with as much sympathy as it deserves. Ext.P7 is the consequential order rejecting his request. It is, inter alia, stated that the practical test was over on 23.3.2007 and the selection has to be completed as early as possible and, therefore, the request to extend time by six months cannot be accepted. Petitioner, of course, relied on the Judgment in O.P. No.29649/00. That was a case where a candidate was pregnant and she could not appear. That was a case where the Commission announced a fresh physical efficiency test for those who could not participate in the earlier test due to pregnancy and child birth related inconveniences. I think that the petitioner cannot be permitted to draw support from that Judgment, in view of the facts. At any rate, I note that the earlier approach was rejected by this Court and this Court only directed consideration of the representation. I cannot find

that the petitioner has made out a ground for interfering with Ext.P6 decision of the Public Service Commission.

The Writ Petition fails and it is dismissed.

K. M. JOSEPH, JUDGE

kbk.